

Implementation and Operation of the Uniform Statewide Sexual Assault Evidence Kit

(FY2021 Appropriation Act - Public Act 166 of 2020)

September 30, 2021

Sec. 457. (1) From the funds appropriated in part 1 for the uniform statewide sexual assault evidence kit tracking system, in accordance with the final report of the Michigan sexual assault evidence kit tracking and reporting commission, \$800,000.00 is allocated from the sexual assault evidence tracking fund to contract for the administration of a uniform statewide sexual assault evidence kit tracking system. The system shall include the following:

- (a) A uniform statewide system to track the submission and status of sexual assault evidence kits.*
- (b) A uniform statewide system to audit untested kits that were collected on or before March 1, 2015 and were released by victims to law enforcement.*
- (c) Secure electronic access for victims.*
- (d) The ability to accommodate concurrent data entry with kit collection through various mechanisms, including web entry through computer or smartphone, and through scanning devices.*

(2) By March 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a status report on the administration of the uniform statewide sexual assault evidence kit tracking system, including operational status and any known issues regarding implementation.

(3) The sexual assault evidence tracking fund established in section 1451 of 2017 PA 158 shall continue to be maintained in the department of treasury. Money in the sexual assault evidence tracking fund at the close of a fiscal year shall remain in the sexual assault evidence tracking fund and shall not revert to the general fund and shall be appropriated as provided by law for the development and implementation of a uniform statewide sexual assault evidence kit tracking system as described in subsection (1).

4) By September 30 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office a report on the findings of the annual audit of the proper submission of sexual assault evidence kits as required by the sexual assault kit evidence submission act, 2014 PA 227, MCL 752.931 to 752.935. The report must include, but is not limited to, a detailed county-by-county compilation of the number of sexual assault evidence kits that were properly submitted and the number that met or did not meet deadlines established in the sexual assault kit

evidence submission act, 2014 PA 227, MCL 752.931 to 752.935, the number of sexual assault evidence kits retrieved by law enforcement after analysis, and the physical location of all released sexual assault evidence kits collected by health care providers in that year, as of the date of the annual draft report for each reporting agency.



Report from Michigan Department of Health and Human Services On Uniform Statewide Sexual Assault Evidence Kit Tracking System

The Department of Health and Human Services (DHHS) has not yet been able to conduct a complete annual audit, including the county-by-county compilation of the number of kits that met the submission deadlines, because of fixes and changes needed to the compliance reporting function in Track-Kit™. DHHS staff have been working diligently with Michigan State Police and the tracking system vendor to identify the defects and changes needed in order to generate reports with the data needed for the audit. The tracking system vendor is currently working on a comprehensive build to complete the compliance portal reporting requirements.

As of August 31, 2021, the system reflects 414 kits entered as having been retrieved in 2021 by law enforcement after the laboratory completed analysis. Note: a significant number of these kits were collected and released to law enforcement earlier than 2021, so this number will be greater than the number shown in the next paragraph for kits at law enforcement after analysis. The numbers shown in the next paragraph are only for kits collected and released in 2021.

There were 1,482 total kits entered into the system showing collected *and released* to law enforcement for testing in 2021. The location of those kits as of August 31, 2021, are as follows:

- At medical facilities: 71
- At law enforcement agencies awaiting transmittal to lab: 83
- At the lab awaiting testing or retrieval from law enforcement: 1,037
- At law enforcement after retrieval from lab: 66
- At law enforcement, laboratory analysis complete: 216
- At “outside organization”¹: 9

As of August 31, 2021, reports from the Compliance Portal of Track-Kit reflect that a total of 6,328 sexual assault evidence kits have been collected and entered into the system in the three years since the rollout of the system began in August 2018. Of those, 1,711 kits were collected and entered into the system in 2021. These totals include both kits collected and released to law enforcement and kits collected but not released to law enforcement.

Reports available from the Michigan State Police Policy Center as of August 31, 2021, indicate that a total of 1,077 survivors/victims had logged into the system at least once to track the location of their kits since the rollout of the system began in August 2018. *Please note: Track-Kit does not contain any identifying information about the survivors/victims who are accessing the system, only that an unknown person has logged into the survivor portal.*

¹ A kit shown as being at an outside organization is one which was sent to out-of-state law enforcement for investigation, and is no longer being tracked by the tracking system.